



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 19, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben *RRH em*
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SUBJECT: Weekly Report for June 12, 2000 - June 19, 2000

KEY ISSUES

Campaign Finance Hearing: On June 21, the Subcommittee on Administrative Oversight and the Courts (Grassley, Chair) of the Senate Judiciary Committee will hold an oversight hearing on the Department's handling of campaign finance investigations. Criminal Division's Public Integrity Section Chief Lee Radek is scheduled to testify before the Subcommittee. Testimony will also be heard from former Principal Associate Deputy Attorney General Bob Litt; former Los Angeles Assistant U.S. Attorney Steve Mansfield; Bob Conrad, Director of the Campaign Financing Task Force; Darrell Wold, Chairman, Federal Election Commission; and Fred Wertheimer of Common Cause. (Walter)

THE WEEK AHEAD

Hate Crimes: Both the Kennedy and Hatch hate crimes proposals will be offered as amendments to the Department of Defense Authorization bill. Senator Kennedy outlined his proposal on Friday. Debate on both amendments occurred on June 19, with roll call votes set for June 20. No second degree amendments will be in order. We anticipate that the first vote will occur on the Hatch proposal and then there may be a motion to table the Kennedy amendment. (Scott-Finan)

S. 2516, the Fugitive Apprehension Act: On June 19, staff from the Office of Legislative Affairs and the U.S. Marshals Service met with Beryl Howell to discuss this bill and the need for administrative subpoena authority. Senator Leahy is supportive of the fugitive apprehension mission and is considering introducing his own bill. (Daley)

Federal Agency Compliance: On June 20, the Commercial and Administrative Law Subcommittee (Gekas, Chair) of the House Judiciary Committee is scheduled to mark up H.R. 1924, the Federal Agency Compliance Act. Representatives from the Office of Legislative Affairs and the Civil Division met with Congressman Nadler, Ranking Minority Member of the Subcommittee, this past week and with staff from the Majority on June 19. Although

we are still opposed to the bill, we are expecting some amendments to the bill that will be accepted, and will make the bill less objectionable. The Department testified opposing the legislation last October. This hearing was originally scheduled for June 15. (Wilson)

H.R. 4167, the Innocent Execution Prevention Act: On June 20, the Subcommittee on Crime (McCollum, Chair) of the House Judiciary Committee will hold a hearing on H.R. 4167, the Innocent Execution Prevention Act, a counterpart to S. 2073, the Innocence Protection Act, sponsored by Senators Leahy and Gordon Smith. (Tanner)

H.R. 4419, the Internet Gambling Funding Prohibition Act: On June 20, the House Banking Committee (Leach, Chair) will hold a hearing on H.R. 4419. The Department will be represented by Kevin V. Di Gregory, Deputy Assistant Attorney General, Criminal Division. (Daley)

National Instant Criminal Background Check System (NICS) Hearing: On June 21, the Senate Judiciary Committee (Hatch, Chair) will conduct a hearing concerning the National Instant Criminal Background Check System (NICS). FBI's Assistant Director David Loesch will testify before the Committee. (Graupensperger)

Military Extraterritorial Jurisdiction Act: On June 21, the House Judiciary Committee (Hyde, Chair) will mark up H.R. 3380, a bill that would provide federal jurisdiction over crimes committed outside the United States by individuals accompanying the U.S. Military. (Graupensperger)

Takings: On June 22, the Senate Judiciary Committee (Hatch, Chair) may consider S. 1028, the "Citizens Access to Justice Act." This legislation would expand the jurisdiction of the Court of Federal Claims as well as the federal district courts in cases involving Fifth Amendment claims against the United States, on just compensation claims against the State and local land-use authorities. The Department has sent to OMB a draft views letter for clearance stating that ~~you would recommend a Presidential veto on S. 1028 if it were passed in its current form. This~~ hearing was originally scheduled for June 15. (Pearlman)

Class Action Reform: On June 22, the Senate Judiciary Committee (Hatch, Chair) will mark up S. 353. ~~We sent a letter last week detailing our objections to this bill. This markup was~~ originally scheduled for June 15. (Wilson)

Money Laundering Hearing: On June 23, the Criminal Justice, Drug Policy and Human Resources Subcommittee (Mica, Chair) of the House Committee on Government Reform will conduct a hearing on money laundering. The Department intends to testify and is in the process of determining the appropriate witness. (Graupensperger)

S. 2448, the Internet Integrity and Critical Infrastructure Protection Act: The Senate Judiciary Committee (Hatch, Chair) held over until next week S. 2448, the Internet Integrity and Critical Infrastructure Protection Act. The markup on the bill was originally scheduled for June 15. The Department recently testified in support of the Chairman's effort to assist law enforcement on cybercrime. (Daley)

Public Safety Officers Collective Bargaining Rights: On June 27, the Senate Health, Education, Labor and Pensions Committee (Jeffords, Chair) will hold a hearing on S. 1016, legislation that would require states and local governments to allow collective bargaining rights for public safety officers they employ. (Scott-Finan)

THE WEEK IN REVIEW

Los Angeles Police Department: On June 16, Steven Rosenbaum, the Special Litigation Section Chief of the Civil Rights Division, participated in a forum/listening session hosted by Congressman Xavier Becerra on issues related to the Los Angeles Police Department and talked about the Department's pattern and practice authority. (Scott-Finan)

Victims of Terrorism: On June 16, Kathryn Turman, Director of the Office of Victims of Crime, along with her staff and representatives from the Office of Legislative Affairs and the Office of Justice Programs met with House Judiciary Committee staff to discuss legislation that would make it easier to compensate and assist victims of terrorist acts or mass violence. (Daley)

Bankruptcy: A bipartisan group of Senators met on June 15 to try to reach a final agreement on the Bankruptcy bill. There are still unresolved issues with the homestead cap, Fair Debt Collection Practices Act, abortion clinic violence and retirement funds. Majority Leader Lott is trying to move this bill before the July 4th recess and instructed Members to resolve these issues quickly. It is unclear what legislative vehicle will be used to get this bill to the floor. (Wilson)

Nominations: On June 15, the Senate Judiciary Committee (Hatch, Chair) approved the following nominations: Beverly Martin, to be United States District Judge for the Northern District of Georgia; Jay Garcia-Gregory, to be United States District Judge for Puerto Rico; Laura Taylor Swain, to be a United States District Judge for the Southern District of New York; Julio F. Mercado, to be Deputy Administrator of DEA; Daniel Webber, to be United States Attorney for the Western District of Oklahoma; James Whigham, to be United States Marshal for the Northern District of Illinois; and Russell John Qualliotine, to be United States Marshal for the Southern District of New York. The three judicial nominees were confirmed on June 16.

Also, on June 15, the Senate Judiciary Committee held a hearing on the following nominations: George Z. Singal, to be United States District Judge for the District of Maine; Paul C. Huck, to be United States District Judge for the Southern District of Florida; John W. Darrah and John Humphrey Lefkow, both to be United States District Judges for the Northern District of Illinois; and Johnnie B. Rawlinson, to be United States Circuit Judge for the Ninth Circuit Court of Appeals.

On June 14, the Senate Governmental Affairs Committee (Thompson, Chair) approved the following D.C. Superior Court judicial nominations: Anna Blackburne-Rigsby, Thomas J. Motley, and John M. Mott.

Terrorism Commission Report Hearing: On June 15, the Senate Foreign Relations Committee (Helms, Chair) held a hearing that focused on the International Terrorism Commission Report. James Reynolds, Chief of the Criminal Division's Terrorism and Violent Crimes Section, and Dale Watson, Assistant Director of the FBI's Counterterrorism Office, testified before the Committee. (Walter)

DNA Grants: On June 15, the Subcommittee on Crime (McCollum, Chair) of the House Judiciary Committee approved H.R. 4046 by voice vote. This bill will provide grants to states to assist in the collection of DNA samples and to help reduce the backlog of DNA samples already collected but not yet analyzed. (Graupensperger, Tanner)

Bulletproof Vest Grants: On June 15, the Subcommittee on Crime (McCollum, Chair) of the House Judiciary Committee approved H.R. 4033 by voice vote. This bill will extend the current program that funds the bulletproof vests for state and local law enforcement officers. (Graupensperger)

Airline Competition Hearing: On June 14, the House Judiciary Committee (Hyde, Chair) held a hearing on airline competition. Antitrust Division's Deputy Assistant Attorney General John Nannes testified before the Committee. (Slover)

Electronic Freedom of Information Act Hearing: On June 14, the Subcommittee on Government Management, Information and Technology (Horn, Chair) of the House Government Reform Committee held a hearing on the implementation of an electronic Freedom of Information Act (e-FOIA). Deputy Associate Attorney General Ethan Posner testified before the Subcommittee. On June 9, staff from the Office of the Associate Attorney General, the Office of Information and Privacy, and the Office of Legislative Affairs met with staff from the House Government Reform Committee in advance of this hearing. (Owen)

E-Signatures: The Conference Report on digital signatures was passed by the House of Representatives on June 13 and by the Senate on June 16. The Department has been working with other agencies and the White House to ensure that the Congressional Record is accurate in the event that the legislative history of the law is reviewed for guidance on proper interpretation by the Judiciary. The President is expected to sign the bill. (Owen)

False Claims Act: On June 12, Civil Division's Assistant Attorney General David Ogden and Environment and Natural Resources Division's Assistant Attorney General Lois Schiffer and staff from the Office of Legislative Affairs and Intergovernmental Affairs met with Wyoming Senators Enzi and Thomas and Wyoming Attorney General Gay Woodhouse to discuss how the Department deducts the 3% administrative fee and relators' fees from settlements that arise under the False Claims Act in cases where federal mineral royalties are underpaid. The Wyoming Attorney General and Senators are concerned that current practice deducts portions of settlements attributable to the States, thereby losing them money. (Pearlman)